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TREASURY FOR OTI - JSERAFINI AND RLOEFFLER

E.O. 12958: DECL: 02/23/2012

TAGS: KTFN TU

SUBJECT: HIGH ADMINISTRATIVE COURT MAINTAINS FREEZE ON
YASSIN AL-QADI

REF: 2006 ANKARA 5952 AND PREVIOUS

Classified By: Acting Economic Counselor Andrew Snow for
reasons 1.4(b) and (d).

¶1. (SBU) Summary: Turkey's High Administrative Court has maintained the freeze on Yassin Al-Qadi's assets in Turkey by overruling last July's lower court ruling. The lower court had challenged the Government's authority to freeze. The High Court's ruling appears to be final, unless the Council of Ministers takes a new decision to unfreeze, which seems unlikely. The decision means that Turkey remains in compliance with its UN 1267 committee obligations regarding Al-Qadi, even if the case has highlighted weaknesses in Turkey's asset-freezing regime. End Summary.

2.(C) A judge at the High Administrative Chamber of the Danistay (Council of State) confirmed press reports that the High Chamber has overturned last July's lower court decision that the Council of Ministers lacked the authority to freeze Yassin Al-Qadi's assets absent a judicial determination. The High Chamber found that it was the Government's duty to comply with UN decisions and that the Council of Ministers had the authority it needed to freeze the assets. The judge said that because of the ruling, Al-Qadi's assets in Turkey will remain frozen unless the Council of Ministers issues a new decree unfreezing the assets. Given Prime Minister Erd^o comments last summer, it is part of the entire bureaucracy, will be advising him not to violate Turkey's UN obligations. Absent further Government action, the Court's ruling keeps Turkey in compliance even if the Al-Qadi legal process has highlighted weaknesses in Turkey's asset-freezing regime.

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